

## ENGLISH LEARNERS (EL) PROGRAM

### I. PURPOSE

To ensure that children who are English Learners, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and have the opportunity to meet the same challenging State academic content and student achievement standards as all children are expected to meet.

### II. SCOPE

This policy applies to all non-English language background (NELB) students ages 3-21 including those whose proficiency in understanding, speaking, reading, or writing English may be limited.

### III. DEFINITIONS

Non-English Language Background (NELB) Student - a student whose parent(s) or guardian(s) list a language other than English in response to any question on the home language survey.

English Learner (EL) - an NELB Student who qualifies for EL services via a Department of Education-approved English Language Proficiency screener.

### IV. POLICY STATEMENT

The Shelby County Board of Education (hereafter referred to as the “Board”) is committed to taking affirmative steps to ensure that EL students have an opportunity to meaningfully participate in the district’s educational programs and services. In support of this commitment, the district shall not admit or exclude any student from any program or extra-curricular activity based on their surname or EL status. Any practice that denies equal education opportunities to students based on race, color, or national origin shall be strictly prohibited.

Students identified as EL shall be assessed and provided with appropriate services to improve their English proficiency, including but not limited to access to grade-level curricula to meet promotion and graduation requirements.

An oversight plan to ensure that EL students have access to a specialized language instructional program shall be developed by the Superintendent (designee) in compliance with relevant federal and state requirements. To ensure compliance with such requirements

and this policy, the Board authorizes the Superintendent (designee) to develop administrative procedures and/or guidance as deemed necessary.

Parents or legal guardians shall be informed if their child qualifies for placement into a language development program and to the extent practicable, information related to identification, screening, and service delivery shall be provided in the language and method that the parent(s) or guardian(s) can understand. The parent or legal guardian must be given an opportunity to waive such services. Parental involvement is encouraged, and parents shall be regularly apprised of their child's progress.

## **V. RESPONSIBILITY**

The Superintendent (or designee) is responsible for administering this policy and for ensuring that this policy conforms with applicable law and State Board of Education English Learner Programs.

### Legal References

1. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(D)
2. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 3113(b)(3)(B)
3. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(A)
4. Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(C)
5. TRR/MS 0520-01-19

### Cross References

1. 1009 Non-Discrimination Statements

## **ENGLISH LEARNERS (EL) PROGRAM**

English Learner (EL) and foreign-born students have the right to enroll in their zoned school regardless of whether they are over the age of eighteen (up to their twenty-second birthday), on-track to graduate, or over-age for grade. Access to class schedules, end-of-course testing, school curriculum, school sponsored activities, and extra-curricular activities must be granted to such students.

### **Prohibited Practices**

To ensure that the district's EL and foreign-born students have an opportunity to meaningfully participate in the district's educational programs and services, school administration and staff shall be prohibited from (1) discriminating against EL or foreign-born students on the basis of their national origin or age; and (2) denying EL or foreign-born students an opportunity to enroll and/or continue with enrollment in their zoned school, including but not limited to (a) using measures to persuade an EL student to enroll in a non-traditional program (e.g., Goodwill Excel or other non-traditional schools or programs) and (b) encouraging an EL student to withdraw from their zoned school.

### **English Learner Service (EL) Delivery**

1. Ensure age-appropriate grade level placement and prohibit retention based solely on the lack of English language skills.
2. All schools serving EL students must follow the same intake model for EL students. The intake model must include registration, identification, assessment, and placement of students from non-English speaking backgrounds.
3. Provide comparable classroom space, resources, and personnel for the effective instruction of English learners.
4. In addition to EL services, EL students may qualify for special education and related services under the Individuals with Disabilities Education Act (IDEA) or special education and related aids and services under Section 504 of the Rehabilitation Act of 1973 (Section 504).
5. There may be a mixture of service delivery models, depending on language needs and case load at each school (e.g., pull-out model, sheltered English instruction, or content-based instruction)

6. Staffing and placement of EL teachers must originate from the EL office as services cannot be determined at each school until language needs, caseloads, and state language scores are reviewed. At the elementary level, an effective, endorsed, highly qualified EL teacher must provide direct service one to two hours per day. EL students in middle and high school should receive a minimum of one hour or the equivalent of one class period of at least forty-five minutes per school day from a teacher who holds a license with an EL endorsement.
7. All schools serving EL students must have an Individual Learning Plan (ILP) for all English learners and Transitional year 1 (T1) and Transitional year 2 (T2) students.